



# Department of Pesticide Regulation



Brian R. Leahy  
Director

## MEMORANDUM

Edmund G. Brown Jr.  
Governor

TO: Richard Corey  
Executive Officer  
Air Resources Board

FROM: Teresa Marks *T. Marks*  
Chief Deputy Director  
916-445-4000

DATE: December 18, 2017

SUBJECT: REGULATIONS TO ADD LOW-EMISSION FIELD FUMIGATION METHODS  
AND REMOVE LANGUAGE THAT NOW OCCURS ON FEDERAL LABELS  
(DPR REGULATION NO. 15-002)

On February 17, 2016, the Department of Pesticide Regulation (DPR) finalized amendments to California's regulations to add and revise existing field fumigation methods (DPR Regulation No. 15-002). These regulations support DPR's State Implementation Plan (SIP) commitments.

These regulations went into effect April 1, 2016. The actions taken to adopt the regulations were part of rulemaking actions related to the reduction of fumigant emissions. DPR requests the Air Resources Board to submit to the U.S. Environmental Protection Agency (U.S. EPA) the portions of those regulations needed to meet DPR's SIP commitment. These sections include and are limited to:

- Title 3 of the California Code of Regulations (3 CCR) section 6000 pertaining to definitions.
- 3 CCR section 6445 pertaining to fumigation handling activities.
- 3 CCR section 6447 pertaining to methyl bromide field fumigation general requirements, buffer zone requirements, and field fumigation methods.
- 3 CCR section 6448 pertaining to 1, 3-dichloropropene field fumigation methods.
- 3 CCR section 6449 pertaining to chloropicrin field fumigation methods.
- 3 CCR section 6450 pertaining to metam-sodium and metam-potassium field fumigation methods.
- 3 CCR section 6452 pertaining to fumigant volatile organic compound emission limits.
- 3 CCR section 6784 pertaining to field fumigation.

The regulations and documents required under Title 40, Code of Federal Regulations section 51.102 are attached. For your convenience, this package includes two hard copies and one electronic copy on CD-ROM of the documents listed below for transmittal to U.S. EPA.



Attachment 1: A copy of amendments to regulations from the following sections of 3 CCR for inclusion in California's SIP, including and limited to:

- 3 CCR section 6000 pertaining to definitions.
- 3 CCR section 6445 pertaining to fumigation handling activities.
- 3 CCR section 6447 pertaining to methyl bromide field fumigation general requirements, buffer zone requirements, and field fumigation methods.
- 3 CCR section 6448 pertaining to 1, 3-dichloropropene field fumigation methods.
- 3 CCR section 6449 pertaining to chloropicrin field fumigation methods.
- 3 CCR section 6450 pertaining to metam-sodium and metam-potassium field fumigation methods.
- 3 CCR section 6452 pertaining to fumigant volatile organic compound emission limits.
- 3 CCR section 6784 pertaining to field fumigation.

Attachment 2: The e-mails and lists of e-mail addresses and the listservs the notices were sent to on the dates shown below:

- Mailing notice (August 2015)
- 15-day mailing notice (November 2015)

Attachment 3: Statement of Pamela Wofford regarding public notice for the development of amendments to California's regulations regarding field fumigation methods.

Attachment 4: A copy of the rulemaking file for this set of amendments to regulations regarding field fumigation methods. The documents listed below are included in the rulemaking file. Documents that are not part of the submittal to U.S. EPA are so noted.

- Notice of proposed rulemaking.
- Text of regulations originally noticed to the public.
- Initial statement of reasons.
- Economic and fiscal impact statement.
- Correspondence with the Department of Finance.
- Collaboration with the Office of Environmental Health Hazard Assessment.
- Correspondence with the California Department of Food and Agriculture.
- Correspondence with the California Department of Industrial Relations.
- Correspondence with the University of California.
- Statement of mailing notice.
- Written comments received during the 45-day comment period.
- Public hearing transcript.

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- Statement of mailing 15-day notice.
- Notice of modified text; text of modified regulations.
- Written comments received during the 15-day comment period.
- Updated informative digest.
- Final Statement of Reasons.
- Documents relied upon – not part of the submittal.

Attachment 5: Alternatives analysis

If you have any questions, please feel free to contact Pamela Wofford, of my staff, at <pamela.wofford@cdpr.ca.gov> or 916-324-4297.

Attachments

cc: Pamela Wofford, DPR Environmental Program Manager II (w/Attachments)

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bcc: Jesse Cuevas, DPR Associate Director (w/o Attachments)  
Polly Frenkel, DPR Chief Counsel (w/o Attachments)  
Kurt Karperos, ARB Deputy Executive Officer (w/o Attachments)  
Karen Magliano, ARB Division Chief (w/o Attachments)  
Sylvia Vanderspek, ARB Branch Chief (w/o Attachments)  
Randy Segawa, DPR Special Advisor (w/o Attachments)

Wofford Surname File (w/o Attachments)